

Congress of the United States
House of Representatives
Washington, DC 20515
NYDIA M. VELÁZQUEZ
7TH DISTRICT, NEW YORK

James Joholske
Director
CPSC Office of Import Surveillance
4330 East-West Highway
Bethesda, MD 20814

AnnMarie Highsmith
Executive Assistant Commissioner
CBP Office of Trade
1300 Pennsylvania Avenue NW
Washington, DC 20229

March 2, 2023

Dear Director Joholske and Executive Assistant Commissioner Highsmith:

Thank you for your efforts to ensure the safety of American consumers from dangerous imports. This task is becoming increasingly important given the globalization of our supply chains and the rise in popularity of electric micro-mobility devices, such as e-bikes and e-scooters, in the delivery industry and the general public.¹

I write to you with concerns stemming from a series of disastrous lithium-ion battery fires in my district and New York City. This past month, on February 14th, an inferno caused by the ignition and explosion of close to fifty lithium-ion batteries injured two of my constituents, one critically so. It was the twenty-fourth such fire in New York City in just the last two months.² At this rate, in 2023, the city could meet or exceed its previous yearly total of lithium-ion battery fires, 200, with six tragic deaths.³

As you know, our city is home to over 65,000 gig-economy delivery workers, or *deliveristas*, most of whom rely upon lithium-ion battery-powered electric micro-mobility devices to earn their livelihoods.⁴ They are quick, sustainable, and affordable ways to navigate the city as they make their deliveries. However, the poor quality of many lithium-ion batteries found in these devices makes them liable to ignite and explode, releasing toxic and flammable smoke⁵ in a

¹ Greg B. Smith et al, *Where and Why E-Bikes Catch Fire in NYC — And What Can Be Done About It*, THE CITY (Nov. 21, 2022), <https://www.thecity.nyc/2022/11/21/23468257/ebikes-fires-lithium-ion-batteries-delivery-workers>.

² James Barron, *The Growing Risk of Battery Fires in New York*, THE N.Y. TIMES (Feb. 21, 2023), <https://www.nytimes.com/2023/02/21/nyregion/lithium-ion-battery-fires.html>.

³ Janice Yu, *NYC Council Looks to Take Action on E-Bike Batteries After Deadly Fires*, ABC 7 N.Y. (Nov. 14, 2022), <https://abc7ny.com/nyc-e-bike-battery-fire-hearing/12452027>.

⁴ Claudia Irizarry Aponte, *Chick-fil-A Debuts Pop-Up Delivery Worker Rest Space, While Adams Initiative Struggles*, THE CITY (Feb. 15, 2023), <https://www.thecity.nyc/2023/2/15/23601870/chickfila-delivery-worker-brake-space>.

⁵ *E-Bikes and Lithium-ion Battery Fire Safety: Hearing before the Committee on Fire and Emergency Management*, N.Y. City Council (2022).

“blowtorch effect.”⁶ These occurrences are especially likely when such batteries are charged in residences with subpar electrical systems. Because of their potency, these fires have proven catastrophic to many *deliveristas*, other electric micro-mobility device users, and their neighbors.⁷

Deliveristas often purchase their electric micro-mobility devices online from overseas companies, who use unbranded lithium-ion batteries uncertified by reputable testing labs.⁸ The U.S. Consumer Protection and Safety Commission (CPSC) and U.S. Customs and Border Protection (CBP) are both well-positioned, under 15 U.S.C. § 2064(a), to help staunch the flow of unsafe lithium-ion batteries and prevent the devastating fires they can cause.⁹ I am particularly encouraged by CPSC’s willingness to take the initiative and seize substandard lithium-ion batteries at ports, penalize manufacturers that inaccurately portray the safety of their products, and push for recalls of unsafe electric micro-mobility devices.¹⁰ Therefore, I respectfully ask you to provide me with information and updates on this situation, including details on:

- 1) CPSC and CBP procedures to determine the safety of imported lithium-ion batteries;
- 2) Recent CPSC and CBP efforts to seize substandard lithium-ion batteries;
- 3) CPSC plans to compel electric micro-mobility manufacturers, sellers, and resellers to comply with minimum safety standards;
- 4) CPSC campaigns to obtain recalls of faulty electric micro-mobility devices; and
- 5) How many resources CPSC and CBP have mobilized to remain responsive to the recent uptick in lithium-ion battery sales and importations.¹¹

As public officials, it is our duty to represent the public interest and protect American consumers, especially our *deliveristas*, from the extreme hardships caused by lithium-ion battery fires. The livelihoods and well-being of many American workers rely upon the safety of their vehicles, and they are still waiting on the federal government to act. A response is requested by March 16, 2023. Please contact Renata Beca-Barragán from my office at renata.beca-barragan@mail.house.gov for any questions you may have. Thank you for your attention to this critical matter.

⁶ *Supra* note 6; and Kerry Breen, *Lithium-Ion Battery Sparks Fire That Kills 1 and Injures 10, FDNY Says*, YAHOO NEWS (Jan. 21, 2023), <https://www.yahoo.com/lifestyle/lithium-ion-battery-sparks-fire-161748286.html>.

⁷ *Supra* note 6.

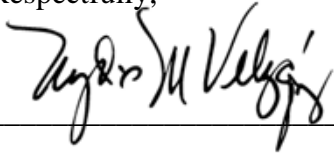
⁸ Wilfred Chan, *E-Bike Batteries Are Catching on Fire Way Too Often And delivery workers are demanding safe charging stations.*, CURBED (Jan. 25, 2022), <https://www.curbed.com/2022/01/ebike-battery-fires-delivery-workers-charging-stations.html>.

⁹ 15 U.S.C. § 2064(a).

¹⁰ Press Release. U.S. Consumer Prot. and Safety Comm’n, CPSC Clamping Down on E-Bike Lithium-ion Battery Fires with Same Playbook Successfully Used to Combat Hoverboard Fires (Dec. 20, 2022), <https://www.cpsc.gov/About-CPSC/Commissioner/Richard-Trumka/Statement/CPSC-Clamping-Down-on-E-Bike-Lithium-ion-Battery-Fires-with-Same-Playbook-Successfully-Used-to-Combat-Hoverboard-Fires>.

¹¹ *Supra* note 6.

Respectfully,

A handwritten signature in black ink, appearing to read "Nydia M. Velázquez", written over a horizontal line.

Nydia M. Velázquez

Member of Congress